

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 18TH JUNE 2007 / 28TH JYASHTA 1929

Crl.Rev.Pet.No. 2403 of 2007()

CC.4/1999 of SPL.COURT SPE/CBI-II & IV ADDL.SESIONS COURT, ERNAKULAM

REVN. PETITIONER: ACCUSED;

R.VENKATARAMANAN, FORMER CHIEF MANAGER,
UNION BANK OF INDIA, R/O.PALKULANGARA,
THIRUVANANTHAPURAM.

BY ADV. SRI.SALISH ARAVINDAKSHAN
SRI.P.M.GHILS

RESPONDENTS: COMPLAINANT:

1. CBI REPRESENTED BY ITS PUBLIC
PROSECUTOR.

2. STATE OF KERALA REPRESENTED BY
PUBLIC PROSECUTOR,

BY SRI.S.SREEKUMAR, SC FOR CBI

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION
ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 2403 OF 2007
.....

Dated this the 18th day of June, 2007

O R D E R

Petitioner, who is the 1st accused in C.C. No.4/1999 on the file of the Special Court(SPE/CBI)-II, Ernakulam, inter alia, for offences punishable under the P.C. Act, 1988, filed Annexure-B application on 20.4.2007 seeking copies of document Nos.D4, D14 to D19, D27 to D34 and copies of statements of witnesses W1, W2, W4 to W15, W17, W18, W20 and W21 respectively. As per Annexure-C order dated 21.4.2007, the Special Judge has allowed the said application. The grievance of the petitioner is that the petitioner has not been supplied with the copies of those documents and statements despite Annexure-C order. According to the petitioner, the CBI has not produced document Nos.D17 and D29 to D34 before the trial court and while filing the final report they made an endorsement that those documents will be produced along with the statement of witnesses later on. The petitioner also relies on the endorsement by the CBI to the extent that copies of documents D19 to D26 and D35 to D38 are not supplied since they are voluminous. Petitioner would have it that those documents have not been produced at all before the Special Court. It is the grievance of the petitioner that without copies of the above said documents and

statements, he will be prejudiced in shaping his evidence in the trial which is to start from tomorrow onwards.

2. The Standing Counsel for the CBI would submit that there has been a change of vakalath and the present counsel of the petitioner will be supplied with copies of such of those documents which are not voluminous, today itself. It is needless to mention that the question as to whether the petitioner has prejudiced due to non-supply of documents and statements of witnesses will have to be necessarily considered by the trial court during the course of trial. If for ensuring fair trial the petitioner requires to be given some breathing time, it goes without saying that the trial court will address itself to the requirement of justice in this regard.

With this observation, this revision petition is disposed of.

(V. RAMKUMAR, JUDGE)

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